

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 520 - SB 1032

February 15, 2013

SUMMARY OF BILL: Enhances the punishment for promoting prostitution of a minor from a Class E felony to a Class B or Class A felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$3,200/Incarceration*

Assumptions:

- Currently, promoting prostitution of a minor is a Class E felony. The proposed legislation would change sentencing for promoting prostitution of a minor to the same as trafficking for commercial sex acts. Trafficking for commercial sex acts is a Class B felony unless the child is under 15 years of age or the offense occurs on or within 1,000 feet of the grounds of a school, secondary school, preschool, child care agency, public library, recreational center, or public parks, which would make it a Class A felony.
- According to the Tennessee Bureau of Investigation's 2011 report, *Crime in Tennessee* (http://www.tbi.tn.gov/tn_crime_stats/publications/Crime%20in%20Tennessee%202011.pdf, at *6), 0.5 percent of offenders arrested for prostitution are juveniles (12 / 2,334 = 0.005). According to the same report, 52 arrests were made for promoting prostitution.
- The offense of promoting prostitution of a minor was enacted in 2011. According to the Department of Correction (DOC), there are no recorded admissions for promoting prostitution of a minor.
- According to the DOC, there has been an average of 6.9 admissions for promoting prostitution, a Class E felony, over the last 10 years. Assuming the same percentage that is realized for prostitution—0.5 percent of prostitutes are minors—is also realized for promoting prostitution, there will be one admission every thirty years for a Class B felony conviction for promoting prostitution of a minor ($6.9 \times .005 = 0.0345$).
- The average time served for a Class E felony is 1.21 years. The average time served for a Class B felony is 5.29 years. The proposed legislation would result in an increase of 4.08 years per offender (5.29 years – 1.21 years).
- According to the DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every thirty years serving an additional 4.08 years (1,490.22 days) for a total of \$3,189 [$(\$64.17 \times 1,490.22 \text{ days}) / 30$].

- Any impact to the District Attorneys General Conference and District Public Defenders Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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